

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1025 OF 2004

Moreswar Bhau Naik & Ors.. ... Petitioners.

Versus

Vithal Mahadev Mhatre & Ors.. ... Respondents.

Mr. S. G.Karandikar for the Petitioners.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 21ST MARCH, 2005.

P.C.:

The only grievance of the petitioners is that the learned Additional Commissioner, Konkan Division, ought not to have reversed the order of the Nayab Tahsildar in recording mutation entry No.456 because according to the petitioners this subsequent entry was taken with a view to correct an error which had been committed while passing mutation entry Nos. 1305, 1306 and 1307.

2. According to the petitioners, under the old entry

entire land was shown as belonging to the tenant whereas he was entitled only to 1/3rd. This according to the petitioners has been rightly corrected by the mutation entry No.456 which records that the respondents have 1/3rd share in the land.

3. It must be noted that the Additional Commissioner has reversed the order of the Nayab Tahsildar on the ground that the action has been taken after about 25 years. I, therefore, see no reason to interfere with the order of the Additional Commissioner. In any case, it is a settled law that these entries are meant only for fiscal purposes and do not confer or alter the right of a person in the property. Admittedly, the petitioners' rights in the property are not presently threatened by the respondents. The petitioners would clearly be entitled to protect their rights in the property in accordance with law in a competent court. The mutation entry, as a matter of law, would have to be altered in accordance with the finding of the civil court.

4. Writ petition is hereby dismissed with the aforesaid observations.

Sd/-

(S. A. BOBDE, J.)